

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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OMAR RUEDA-DENVERS,

Petitioner,

v.

NETHANJAH BREITENBACH, *et al.*,

Respondents.

Case No. 3:25-cv-00109-MMD-CLB

ORDER

Through his counsel, the Federal Public Defender (“FPD”), Omar Rueda-Denvers asks the Court to stay his petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 while he litigates his initial state post-conviction proceedings. (ECF No. 18 (“Motion”).) The Court grants the Motion.

Rueda-Denvers mailed his federal petition to the Court in February 2025. (ECF No. 6.) Thereafter he filed his first state post-conviction petition in March 2025. This Court then appointed the FPD as his counsel in this case in April 2025. (ECF No. 5.) The FPD now moves for a stay of this case pending the completion of Rueda-Denvers’ state post-conviction proceedings. In *Pace v. DiGuglielmo*, the United States Supreme Court suggested that a petitioner with a premature federal petition may file a “protective” petition seeking to have the federal proceedings stayed until conclusion of the state proceedings. 544 U.S. 408, 416-17 (2005). Respondents, while noting that they do not waive any arguments regarding potential defenses, do not oppose a stay under these circumstances. (ECF No. 18 at 4.) Accordingly, the Court grants the Motion.

It is therefore ordered that the Motion for a Stay and Abeyance (ECF No. 18) is granted.

It is further ordered that this action is stayed pending final resolution of Petitioner’s state post-conviction habeas petition.

1 It is further ordered that the grant of a stay is conditioned upon Petitioner returning
2 to federal court with a motion to reopen the case within 45 days of the issuance of the
3 remittitur by the state appellate court at the conclusion of the state-court proceedings on
4 the post-conviction habeas petition.

5 The Clerk of Court is directed to administratively close this action, until such time
6 as the Court grants a motion to reopen the matter.

7 DATED THIS 18th Day of August 2025.

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MIRANDA M. DU
12 UNITED STATES DISTRICT JUDGE
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